

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 25, 1999

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Masterson, J., and S. Beaux,
Deputy Clerk.

Each of the following:

B118679 People v. Rios & Medrano
B120560 People v. Cannon
B121100 People v. Jones
B121198 People v. Saucedo
B122595 People v. Valdespino
B122830 People v. Roy
B122754 People v. Thomas
B123026 People v. Cota
B123136 People v. Bender
B125992 People v. Rivera
B126731 People v. Rodriguez
B127326 People v. Borboa
B129315 Hood v. SCLA (Sears)
B130323 In re Hector L.

Argument waived, cause submitted.

B126804 Ross
 v.
 Ross

Merits:

Argued by Jeffrey W. Doeringer for appellant and by Dennis Michael
Schuster for respondent. Cause submitted.

DIVISION ONE (Continued)

B122380 Leschander
 v.
 Studio City Convalescent Hospital et al.

Merits:
Argued by Russell S. Bailsok for appellant and by David W.T. Brown for respondents. Cause submitted.

B115922 Spangler
 v.
 Williams et al.

Merits:
Argued by Gregory P. Orland, deputy city attorney, for appellants and by Patrick Thistle for respondent. Cause submitted.

B119340 Dept. of Children & Family Services
 v.
 Gretchen K. et al.

Merits:
Argued by Stephanie Miller, for appellant Gretchen K., and by Paul Wallin, for appellant Jeffrey M., and no appearance by respondent. Cause submitted.

B119787 The People
 v.
 Harris

Merits:
Argued by Terry Kolkey for appellant and by Mary Susan Sullivan, deputy attorney general, for respondent. Cause submitted.

DIVISION ONE (Continued)

B122656 The People
 v.
 Lobos

Merits:

Argued by Eric Larson for appellant and by Reyna Tanner, deputy attorney general, for respondent. Cause submitted.

B120726 Goel
 v.
 Citibank

Merits:

Argued by Thomas P. Laffey for respondent and by Robert L. Risley for respondent. Cause submitted.

B123951 Ryman
 v.
 Willis Townhomes, Inc., et al.

Merits:

Argued by Regina Nergenah for appellant and by Haimy Babila respondent in pro per. Cause submitted.

B117805 Hoffman et al.
B120021 v.
B123411 Virginia Beharry et al.

Merits:

Argued by Robert S. Gerstein for appellants and by William A. Kerr for respondents. Cause submitted.

B126082 Needles
 v.
 Mel Bernie & Co., Inc., et al.

Merits:

Argued by Marvin Gelfand for respondent and by Peter O. Israel for respondent. Cause submitted.

DIVISION ONE (Continued)

B128646 Clavin et al.
 v.
 S.C.L.A.
 (Moadeb et al., r.p.i.)

Merits:

Argued by Evan Marshall for petitioner Clavin and by Bruce Gelber for petitioner Azari and by Kevin E. Gaut for real party in interest Kadosh and by Marvin Gelfand for real party in interest Moadeb. Cause submitted.

B115747 The People
 v.
 Wright et al.

Merits:

Argued by Dale Dombkowski for appellant Wright and by Maya Z. Hamburger for appellant Rhodes and by Corey J. Robins, deputy attorney general, for respondent. Cause submitted.

Justice Vogel leaves the bench.

B115531 Gutierrez et al.
 v.
 Withrow

Cause called:

Donald A. Williams appeared for appellants and by Bruce Fuller for respondent. Argument waived. Cause submitted.

B124723 The People
 v.
 Laureano et al.

Merits:

Argued by Michael J. Brennan for appellant Laureano and by Douglas L. Wilson, deputy attorney general, for respondent. Cause submitted.

DIVISION ONE (Continued)

B115020 Koontz
v.
Sheldon Park Homeowners Association et al.

Merits:

Argued by Kenneth Roy Koontz appellant in pro per and by Javier H. Van Oordt for respondent Sheldon Park Homeowners Assoc. and by Daniel J. Koes for respondent State Farm. Cause submitted.

B119218 Cohen
v.
Home Depot

Merits:

Argued by Jerry Kaplan for appellant and by Gregory A. Wille for respondent. Cause submitted.

Court adjourned.

DIVISION TWO

B117926 People (Certified for Publication)
v.
Michael Baker et al.

The judgments of conviction are reversed. The matter is remanded for retrial.

Nott, J.

We concur: Boren, P.J.
Zebrowski, J.

DIVISION TWO (Continued)

B127448 Joseph Leo Benton (Not for Publication)
v.
Superior Court, Los Angeles County
(Leigh Ann Benton, r.p.i.)

The superior court is directed to set aside its order of November 19, 1998, denying Joseph's motion to set aside the February 21, 1995 order, and issue a new and different order granting the motion insofar as deleting Joseph as the father of Shari. The superior court is further directed to hold a new hearing to determine whether, as of 1995, Joseph qualified as the putative father of Shari, and if so, whether the prior child support orders against him were appropriately entered. The parties are ordered to bear their respective costs on this petition.

Nott, Acting P.J.

We concur: Zebrowski, J.
 Mallano, J. (Assigned)

B113114 People (Not for Publication)
v.
Mary R. Catrieer

The Court:

The judgment is modified to reflect a \$200 restitution fine pursuant to Penal Code section 1202.4, subdivision (b) and a \$200 fine pursuant to Penal Code section 1202.45, the latter fine to be suspended unless appellant's parole is revoked. The abstract of judgment is to be amended to reflect these fines. In all other respects, the judgment is affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

DIVISION THREE

B115826 People (Not for Publication)
v.
Christopher Terrell Dickson et al.

As to Christopher Terrell Dickson, the judgment is modified by imposing a \$200 section 1202.4 restitution fine and a suspended \$200 section 1202.45 parole revocation restitution fine. As to Thomas Lamar Nelson, the judgment is modified by imposing a \$200 section 1202.4 restitution fine and a suspended \$200 section 1202.45 parole revocation restitution fine. Nelson is ordered to register as a sex offender pursuant to section 290 and to submit to AIDS testing pursuant to section 1202.1, subdivision (a). The clerk of the superior court is ordered upon issuance of the remittitur to prepare corrected abstracts of judgment as set forth in this opinion and to forward them to the Department of Corrections. In all other respects, the judgments are affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B121797 People (Not for Publication)
v.
Myco E. Johnson

The judgment is modified by imposing a suspended \$200 parole revocation restitution fine pursuant to Penal Code section 1202.45, a \$50 laboratory analysis fee pursuant to Health and Safety Code section 11372.5, a \$50 state penalty assessment pursuant to Penal Code section 1464, and a \$35 county penalty assessment pursuant to Government Code section 76000. The clerk of the superior court is ordered upon issuance of the remittitur to correct the abstract of judgment as set forth in this opinion and to forward a corrected copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Petersen, J. (Assigned)

DIVISION FOUR

B117898 Katz (Not for Publication)
v.
Katz

The order denying Steven's motion to vacate is reversed and the matter is remanded to the superior court with directions to enter a new order vacating the prior order denying Steven's petition to confirm the arbitration award and to enter a new order confirming the arbitration award. Appellant is awarded his costs.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B124552 Los Angeles County, D.C.S.
v.
Roberta B. and Steven C.

Filed order denying petition for rehearing.

B122735 Los Angeles County, D.C.S.
v.
Joseph K. and Diana K.

Filed order denying petition for rehearing.

DIVISION FIVE

B127772 People (Not for Publication)
v.
Alfonso Santillano

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Godoy Perez, J.

May 25, 1999-Continued

DIVISION FIVE (Continued)

B120171 People
 v.
 Derek Todd Fulbright

Filed order denying petition for rehearing.

B130848 Chin-Hui Lien
v.
Buffy M. Lien

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed March 30, 1999) dismissed.

B114721 People (Certified for Partial Publication)
v.
Dale J. Jung et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION SIX

B121731 Pappas (Not for Publication)
v.
Shadrawy, et al.

The judgment is affirmed. Pappas is awarded costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
Matz, J. (Assigned)

DIVISION SIX (Continued)

[illegible]

The clerk of the superior court is ordered to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting imposition of (1) a lab fee of \$50; (2) a restitution fine of \$200; (3) a state penalty assessment of \$50; and (4) a county penalty assessment of \$35. As so modified the judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Burke, J. (Assigned)

B121869 People (Not for Publication)
v.
Lopez

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Matz, J. (Assigned)

DIVISION SEVEN

B120418 People (Not for Publication)
v.
Conrad

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

[illegible]

The judgment of conviction is affirmed. The judgment is modified to impose a parole revocation fine of \$2,000 under section 1202.45 to remain suspended unless and until appellant violates parole. The judgment is also modified to levy a state penalty assessment of \$50 pursuant to section 1464 and a county penalty assessment of \$35 pursuant to Government Code section 76000. The trial court is directed to prepare a corrected abstract of judgment to reflect these additional levies. The trial court is also directed to correct the abstract of judgment to reflect its pronouncement of judgment in open court, namely, the \$2,000 restitution fine imposed under section 1202.4, the \$50 laboratory analysis fee imposed under Health and Safety Code section 11372.5 and the drug offender registration requirement imposed under Health and Safety Code section 11590, subdivision (a).

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B121709 People (Not for Publication)
v.
McGee

The judgment is modified to impose a parole revocation fine of \$200 under Penal code section 1202.45 to remain suspended unless and until appellant violates parole. As modified the judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

DIVISION SEVEN (Continued)

B117031 Smith, et al. (Not for Publication)
 v.
 City of Los Angeles

The judgment is affirmed as to plaintiffs Richard Lewis Smith, Kimberly Ann Smith and Tammy Sue Etier. The judgment is reversed as to plaintiffs Richard Smith and Anna Mae Smith. Each party to bear its own costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
 Neal, J.

B122617 Martin (Not for Publication)
 v.
 City of Los Angeles

The judgment is affirmed. Respondent to recover his costs of appeal.

Johnson, Acting P.J.

We concur: Woods, J.
 Neal, J.